

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

Kathy Ann Roberts

Debtor(s)
_____ /

CHAPTER 13
CASE NO. 20-42155
JUDGE Thomas J. Tucker

**DEBTOR'S OBJECTION TO THE PROOF OF CLAIM OF
MICHIGAN DEPARTMENT OF TREASURY (PACER CLAIM NO. 11)**

NOW COMES the Debtor in this matter, Kathy Ann Roberts, through her attorney Katherine R. Sikorski, objects to the Proof of Claim filed by **Michigan Department of Treasury** (Pacer Claim No. 11), and in support thereof states as follows:

1. The proof of claim was filed on 8/12/2020 on behalf of **Michigan Department of Treasury** (Pacer Claim No. 11).
2. Said Proof of Claim lists unsecured priority claims in the amount of \$11,549.92 for taxes owed for 2016 and 2018.
3. Attached forms estimate amounts of income tax owed for 2016 and 2018 tax years because said tax returns were not filed according to Michigan Department of Treasury.
4. Debtor, however, filed her 2016 and 2018 tax returns on or around May 18, 2020 that indicate that there are no taxes owed for said years.
5. At of this date Michigan Department of Treasury hasn't amended their Proof of Claim to list correct amount of debt.

WHEREFORE, the Debtor prays that this Honorable Court disallow the Proof of Claim filed on 8/12/2020 on behalf of **Michigan Department of Treasury** (Pacer Claim No. 11) as to its amount, and grant any further and other relief as this Court deems equitable.

Dated: August 26, 2020

/s/ Katherine R. Sikorski
Katherine R. Sikorski (P75313)
Attorney for Debtor
29211 Ford Rd.
Garden City, MI 48135
734 422 2377
sikorskilaw@gmail.com

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IN THE MATTER OF:

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**NOTICE OF DEBTOR'S OBJECTION TO THE PROOF OF CLAIM OF
MICHIGAN DEPARTMENT OF TREASURY (PACER CLAIM NO. 11)**

The debtor has filed an objection to your claim in this bankruptcy case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to DENY OR CHANGE YOUR CLAIM, then on or before **SEVEN (7) DAYS PRIOR TO HEARING**, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Katherine R. Sikorski
29211 Ford Rd.
Garden City, MI 48135

Tammy L. Terry
Buhl Building
535 Griswold Suite 2100
Detroit, MI 48226

2. Attend the hearing on the objection, scheduled to be held on October 8, 2020 at 11:00 a.m. and Courtroom 1925, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pretrial conference.)

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: August 26, 2020

/s/ Katherine R. Sikorski
Katherine R. Sikorski (P75313)
Attorney for Debtor
29211 Ford Rd.
Garden City, MI 48135
734 422 2377
sikorskilaw@gmail.com

1 Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, I electronically filed the Debtor's Objection's to the Proof of Claim of Michigan Department of Treasury (Pacer Claim No. 11) with Proposed Order, Notice of Objection and this Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

TAMMY L. TERRY
535 GRISWOLD SUITE 2100
DETROIT, MI 48226

On August 27, 2020 the following parties were served via First Class Certified Mail at the address below by giving the envelope with Debtor's Objection's to the Proof of Claim of Michigan Department of Treasury (Pacer Claim No. 11) with Proposed Order, Notice of Objection and this Certificate of Service to the employee of United States Postal Service:

ANN GOOD
MICHIGAN DEPARTMENT OF TREASURY
BANKRUPTCY UNIT POB 30168
LANSING, MI 48909

Dated: August 26, 2020

/s/ Katherine R. Sikorski
Katherine R. Sikorski (P75313)
Attorney for Debtor
29211 Ford Rd.
Garden City, MI 48135
734 422 2377
sikorskilaw@gmail.com

**UNITED STATES BANKRUPTCY COURT
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CHAPTER 13
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**ORDER DISALLOWING THE PROOF OF CLAIM OF
MICHIGAN DEPARTMENT OF TREASURY (PACER CLAIM NO. 11)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the debtor, the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED the Court shall disallow the Proof of Claim filed on 8/12/2020 on behalf of Michigan Department of Michigan (Pacer Claim No. 11) as to its amount. Michigan Department of Treasury shall file amended Proof of Claim based on Debtor's filed tax returns for 2016, 2018 and 2019 on or before_____, 2020.